

From: [Lennox, Ursula](#)
To: ["Denis.Ewing@CH2M.com"](mailto:Denis.Ewing@CH2M.com)
Subject: FW: restoration work on (b) (6) property (Distal 2 property)
Date: Wednesday, June 19, 2013 11:33:00 AM

Good Morning Denis,

I just spoke with my Management about the concept of being consistent with our approach on areas where we have completed the RA (i.e. Mr. Eby), and he expressed that we should still stay the course in doing the Distal 2 work, given the attention that is on this particular parcel. He acknowledged that the suggestion would be a good approach, had there not been any involvement and scrutiny made by outside parties. As such, I will keep the original estimate (\$1,000/acre) and our funding group will continue to de-ob TR2 funds, so that work on Distal 2 can be performed with a Settlement Agreement in place. Please give me a call if you have any questions. Have a pleasant day.

Ursula Lennox
 Remedial Project Manager
 U.S. EPA (6SF-RL)
 (214) 665-6743
Lennox.Ursula@epa.gov

From: Lennox, Ursula
Sent: Wednesday, June 19, 2013 8:33 AM
To: 'Denis.Ewing@CH2M.com'
Subject: RE: restoration work on (b) (6) property (Distal 2 property)

Good Morning Denis,

Thank you for the attached information. I will share this information with my Management, especially the approach. Having him to do it with a Settlement Agreement finalize this approach and will make it consistent with the approach being pursued for Mr. Eby. Have a pleasant day.

Ursula Lennox
 Remedial Project Manager
 U.S. EPA (6SF-RL)
 (214) 665-6743
Lennox.Ursula@epa.gov

From: Denis.Ewing@CH2M.com [<mailto:Denis.Ewing@CH2M.com>]
Sent: Wednesday, June 19, 2013 7:47 AM
To: Lennox, Ursula
Subject: RE: restoration work on (b) (6) property (Distal 2 property)

Good morning Ursula – last week, I asked one of the local seeding contractors to provide pricing for bush-hog, rock rake, and load/transport rocks to the repository. I had verbally provided you a guesstimate of \$1,000/acre based on pricing we had from Distal 5. Based on the information received yesterday from the local seeding contractor, \$500/acre for bush-hog and rock rake can be used as a budgetary estimate. In addition, \$5/ton should be added to load and transport the rocks to the repository. We assumed that >2-inch rocks would be removed.

Based on EPAs approach for the Distal 4 site, it may be appropriate for EPA to directly communicate with Mr. (b) (6) for him to obtain estimates to perform the work and directly work with EPA on this.

Let me know if we can further assist. Thanks

From: Ewing, Denis/ATL
Sent: Friday, June 07, 2013 12:20 PM
To: 'Lennox, Ursula'
Subject: RE: restoration work on (b) (6) property (Distal 2 property)
 Good afternoon Ursula:

Fyi, There were two (b) (6) parcels remediated in Distal 2:
0000-15-029-023-0-002-00: 29.3 acres remediated
0000-15-029-023-0-014-00: 49.8 acres remediated
Total (b) (6) : 79.1 acres remediated

From: Lennox, Ursula [<mailto:Lennox.Ursula@epa.gov>]

Sent: Thursday, June 06, 2013 1:16 PM

To: (b) (6)

Cc: (b) (7)(C); Plsek, Robert/MOK; bookster@embarqmail.com; Ewing, Denis/ATL

Subject: FW: restoration work on (b) (6) property (Distal 2 property)

Good Morning Mr. (b) (6),

There is no risk in us becoming pen pals. Discussions with my Management involving the rocks on Distal 2 occurred this morning and are ongoing. Once a viable approach is determined, my Division Director (Mr. Carl Edlund) will contact you.

Respectfully,

Ursula Lennox

Remedial Project Manager

U.S. EPA (6SF-RL)

(214) 665-6743

Lennox.Ursula@epa.gov

From: (b) (6)

Sent: Thursday, June 06, 2013 11:15 AM

To: Lennox, Ursula

Cc: (b) (7)(C); robert.pisek@ch2m.com; bookster@embarqmail.com; Denis.Ewing@CH2M.com

Subject: RE: restoration work on (b) (6) property (Distal 2 property)

Ms. Lennox: At the risk of us becoming pen pals, I would like to make this following response for the record. You state that one of the terms of the contract between EPA and the contractors is that they "establish vegetation." If a sea of ragweed is vegetation then they have accomplished their goal. From statements you've made previously total remediation of this property is going to be long term and require the subsequent efforts of the landowners. We accept that responsibility, but that requires access to the property with mowing equipment. This property cannot, in my opinion, be properly remediated as long as the large rocks remain in the field. The contractor told us they would remove all rocks larger and 6 inches. They have not. It seems to me that EPA should have the capacity to require them to remove them. Without doing that the establishment of vegetation can never properly be achieved. To me, the idea of rock raking the property is indeed straight forward because it would solve the problem with the least expense, which the contractor should bear. (b) (6)

(b) (6)

From: Lennox.Ursula@epa.gov

To: (b) (6)

CC: (b) (7)(C); robert.pisek@ch2m.com; bookster@embarqmail.com; denis.ewing@ch2m.com

Subject: RE: restoration work on (b) (6) property (Distal 2 property)

Date: Wed, 5 Jun 2013 22:10:42 +0000

Good Afternoon Mr. (b) (6),

Thank you for the attached response. Please know that I am keeping my Division Director (Mr. Carl

Edlund), Management, and ODEQ counterparts up to date on your concern and the e-mails that we exchange. While you may view the process of raking the rocks straight forward, funding is still needed to perform any type of work on all properties, and a State match is needed on unrestricted properties. Please note that there is no breach in the contract between EPA and the Contractor, since the terms of the contract have been fulfilled. The terms included removing the waste from the property, facilitating chat sales, meeting the established remediation goals, grading the property to drain properly, and establishing vegetation. All of these items were accomplished on the Distal 2 property in 2011.

EPA's budget is extremely tight, but if we work together collectively, perhaps we can find an approach that will address the rocks on this property. Please contact me with any suggestions you might have, and I will contact you with any new developments that may become available.

Respectfully,

Ursula Lennox
Remedial Project Manager
U.S. EPA (6SF-RL)
(214) 665-6743
Lennox.Ursula@epa.gov

From: (b) (6)
Sent: Wednesday, June 05, 2013 1:31 PM
To: Lennox, Ursula
Cc: (b) (7)(C); robert.pisek@ch2m.com; bookster@embarqmail.com; Denis.Ewing@CH2M.com
Subject: RE: restoration work on (b) (6) property (Distal 2 property)

Ms. Lennox: Thank you for your response. I still don't quite understand why the contractors can't be required to go back in with a rock rake and sweep the property clean of the large rocks that prevent mowing. The bottom line is that the contractors promised to remove rocks larger than 6 inches and they didn't, whether we, the land owners, inadvertently acquiesced in their leaving the property or not. That would, it seems to me, be a breach of their contract with EPA and the land owners, and it should be their responsibility to remedy that breach without further cost to EPA. I would ask Ms (b) (7)(C) to forward this email to Carl Edlund since I don't have his email address. Thank You. (b) (6)

From: Lennox.Ursula@epa.gov
To: (b) (6)
CC: (b) (7)(C); robert.plsek@ch2m.com; bookster@embarqmail.com; Denis.Ewing@CH2M.com
Subject: FW: restoration work on (b) (6) property (Distal 2 property)

Date: Wed, 5 Jun 2013 00:10:18 +0000

Good Afternoon Mr. (b) (6),

Your patience in waiting for response from EPA is greatly appreciated. I have been out on sick leave due to surgery on May 7th, and I am desperately trying to catch up with my e-mails and responsibilities including a response back to you.

As expressed in previous exchanges, the soil below the existing surface in northeast Oklahoma is very low in organic content. While extensive amounts of source material was removed from the Distal 2 property, the clayey soil that remained was amended with 4 tons of mushroom compost per acre to help establish grasses. From that point forward soil amendments need to be added over the course of time to slowly build up organic matter. With respect to your question on "...why there was

a prohibition against using borrowed offsite soil on remediation projects in Oklahoma...”, it was determined from the findings in the Feasibility Study and extensive discussions with our Stakeholders that the volume of soil needed to backfill areas where unmarketable chat and contaminated soils were excavated would lead to a greater potential of environmental impacts. As a result, it was determined that soils would be rebuilt naturally using standard land preparations practices, such as ripping, contouring, addition of amendments, disking, fertilizing, planting, and seeding, until the excavated areas could sustain vegetation. All of these items were performed on the Distal 2 property.

EPA is facing major challenges in securing funding to address contaminated sites and complete work on sites where work has been suspended. In addition, we are unable at this time to address these sites until the State of Oklahoma is able to provide a ten percent match on funds needed to address these properties (i.e. unrestricted and fee properties, which includes Distal 2), in accordance with the terms of CERCLA Section 121(f), or if Settlement funds are secured. Settlement funds do not require a State match. Though these challenges exist, EPA is continuing to aggressively seek alternatives. Unlike the sites where work has been suspended, remediation on the Distal 2 property was completed-- with the property owner’s concurrence--in 2011. However, EPA hears and understand your concern. Thus, should additional funding become available once the existing and evolving challenges are addressed, we will contact you to see what type of work we can perform together collectively, to remove the large rocks off of this property.

If you have traveled around the OU4 site, you may soon see some work occurring. This work is being performed on “Restricted, Trust, and Tribal” lands, which do not require a State match. To keep you and the community informed on site activities, fact sheets and bulletins will be provided. I will contact you should any new developments regarding Distal 2 occurs.

Respectfully,

Ursula Lennox
Remedial Project Manager
U.S. EPA (6SF-RL)
(214) 665-6743
Lennox.Ursula@epa.gov

From: (b) (6)
Sent: Monday, June 03, 2013 11:46 AM
To: Lennox, Ursula
Cc: (b) (7)(C); robert.plsek@ch2m.com; bookster@embarqmail.com
Subject: RE: restoration work on (b) (6) property

Ms. Lennox: Just a reminder that it has been 60 days and I have still not yet received the promised response to my letter of March 22, 2013. Thank for your consideration.

(b) (6)

From: (b) (6)
To: lennox.ursula@epa.gov
CC: (b) (7)(C); robert.plsek@ch2m.com; bookster@embarqmail.com
Subject: RE: restoration work on (b) (6) property

Date: Fri, 10 May 2013 19:12:41 -0500

Ms. Lennox: I am still here and wondering about the response alluded to by you in last line of the previous email from you. Thank you for your consideration. (b) (6)

From: Lennox.Ursula@epa.gov

To: (b) (6)

CC: (b) (7)(C); robert.plsek@ch2m.com; Lennox.Ursula@epa.gov

Subject: RE: restoration work on (b) (6) property

Date: Tue, 9 Apr 2013 16:44:13 +0000

Good Morning Mr. (b) (6),

Thank you for forwarding the attached e-mails to me. As you know from the attached documents, EPA responded to your e-mails in a letter dated March 12, 2013 that was also shared with ODEQ, OIG, and CH2MHill representatives. In response, you provided a follow-up letter (attached), that EPA has not yet provided a response, but one is forthcoming.

On April 4th, a site tour on the properties EPA has remediated was conducted for EPA's upper Management, and your family's property (Distal 2) was included in the tour.

The above items as well as the attached e-mails and documents capture the events that have transpired on Distal 2. These items and the Remedial Action Report that was develop on Distal 2 will be reviewed once again and Management will be briefed. Once these items are accomplished, a response to your March 22, 2013 and recent e-mails will be provided. Should you have any questions before then, please call me. Have a pleasant day.

Ursula Lennox

Remedial Project Manager

U.S. EPA (6SF-RL)

(214) 665-6743

Lennox.Ursula@epa.gov

From: (b) (6)

Sent: Monday, April 08, 2013 7:32 PM

To: Lennox, Ursula

Subject: FW: restoration work on (b) (6) property

From: (b) (6)

To: (b) (7)(C)

Subject: RE: restoration work on (b) (6) property

Date: Mon, 8 Apr 2013 19:24:14 -0500

Thanks so much, Ms. (b) (7)(C). From our conversation on the phone, it's clear you really understand our situation up here. If any of the recipients of this email want a copy of the letter I sent to Ms. Lennox at EPA, please let me know. I will gladly supply same. (b) (6)

From: (b) (7)(C)

To: (b) (6)

Subject: RE: restoration work on (b) (6) property

Date: Mon, 8 Apr 2013 22:42:58 +0000

I wanted to let you know that I have raised your issues to the attention of the EPA Region 6 Superfund Director Carl Edlund. He was unaware of the issues prior to our conversation. I do not know what, if anything, he will do with the matter, but at least he is now aware there is a problem.

Regards,

(b) (7)(C)

From: (b) (6)

Sent: Monday, March 04, 2013 12:39 PM

To: Lennox, Ursula; bookster@embarqmail.com; Baumgarten, Gary; scott.irving@ch2m.com; daniel.fuller@ch2m.com; robert.plsek@ch2m.com; (b) (7)(C)

Subject: FW: restoration work on (b) (6) property

Ms. Lennox: I am forwarding the foregoing thread of emails to you, and others, at Mr. Plsek's request. I believe they are self-explanatory and should give you some idea of the situation I, as a landowner, find myself in. If you have any questions please respond to this email and I will be glad to supply you with any information I have. Long story short is that the work done at our site, though extensive, leaves us with a property that cannot be cultivated or used for grazing. We need someone to look into this. Thank you. (b) (6)

From: Robert.Plsek@CH2M.com

To: (b) (6)

CC: Terry.McElveen@CH2M.com

Subject: RE: restoration work on (b) (6) property

Date: Mon, 4 Mar 2013 15:19:28 +0000

Mr. (b) (6),

I hope you are doing well. Unfortunately, I do not have an update at this time. Please refer to Ursula Lennox, Remedial Project Manager U.S. EPA (6SF-RL) phone (214) 665-6743 Lennox.Ursula@epa.gov for future inquiries. Mrs. Lennox may have more information for you at this time.

Thanks,

Rob

From: (b) (6)

Sent: Friday, March 01, 2013 8:01 PM

To: Plsek, Robert/MOK; (b) (7)(C) bookster@embarqmail.com

Subject: RE: restoration work on (b) (6) property

Mr. Plsek: I'm requesting an update on our concerns. Last contact from you indicated your management was to submit information to EPA about said concerns. Anxiously awaiting word from you. The spring months about upon us and any further work out there will need to be done soon. (b) (6)

From: Robert.Plsek@CH2M.com

To: (b) (6)

Subject: RE: restoration work on (b) (6) property

Date: Wed, 9 Jan 2013 21:24:02 +0000

Mr. (b) (6),

First of all Happy New Year and hope you have a great year!

As for the status of your property concerns, the EPA has requested some information from my management. My management is collecting and organizing this information then will be submitting to the EPA.

Thanks

Rob

From: (b) (6)

Sent: Tuesday, January 08, 2013 3:49 PM

To: Plsek, Robert/MOK; (b) (7)(C) bookster@embarqmail.com

Subject: RE: restoration work on (b) (6) property

Robert: Just wondering if there has been any movement on our request as outlined by the previous thread of emails? Thank you, (b) (6)

From: Robert.Plsek@CH2M.com

To: (b) (6); (b) (7)(C); bookster@embarqmail.com

Subject: RE: restoration work on (b) (6) property

Date: Tue, 4 Dec 2012 23:47:46 +0000

Mr. (b) (6),

Thank you for speaking with me earlier on the phone. As I stated, I will forward this information to my management and the EPA and that we would get back with in regards to your concerns.

Have a pleasant evening.

From: (b) (6)

Sent: Tuesday, December 04, 2012 2:34 PM

To: Plsek, Robert/MOK; (b) (7)(C); bookster@embarqmail.com

Subject: restoration work on (b) (6) property

Robert Plsek, Construction Superintendent, CH2MHill Constructors, Inc., 12377 Merit Dr., Ste. 1000, Dallas, TX 75251; Robert: I am writing about the restoration work done by your company for the EPA on our property in Ottawa County, Oklahoma, which is about 3 miles east of Picher, OK., and sometimes described as the (b) (6) Mine. On completion of the work my brothers and I complained that there were too many large rocks scattered about the acreage which would make mowing and/or baling impossible. Nothing was ever done about this. It was seeded for grass but nothing has ever come up and it is now just a sea of ragweed. I talked to a local farmer, (b) (6), about cultivating it for row crops but after looking at it he didn't believe it was farmable and declined the offer. He's a reliable and successful farmer in this area and has hundreds of acres under cultivation and so his opinion is credible. Before the work was done we could at least graze cattle on part of it and there were several meadows of blue stem prairie hay that could be baled. Now we don't even have that. We would like to discuss this problem with you and pursue possible avenues that might help rectify this predicament. Please respond when you can. I am also sending a copy of this email to (b) (7)(C) who is with the (b) (7)(C) (b) (7)(C) as well to my brother and co-owner of the property, (b) (6). Thank you. (b) (6).